

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6768**

**BILL NUMBER:** HB 1591

**NOTE PREPARED:** Dec 28, 2014

**BILL AMENDED:**

**SUBJECT:** Convenience Business Employee Safety.

**FIRST AUTHOR:** Rep. DeLaney

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☐ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill sets requirements for security features for employees of convenience businesses that are open between 11 p.m. and 5 a.m., and makes the failure to follow the requirements a Class B misdemeanor. It requires the Commissioner of Labor to issue safety orders and assess civil penalties for violations.

**Effective Date:** July 1, 2015.

**Explanation of State Expenditures:** The Indiana Department of Labor administers the Indiana Occupational Safety and Health Act (IOSHA) on behalf of the state. In addition to IOSHA, the Department oversees the INSafe program, which will create the required robbery deterrence and safety curriculum for convenience business employees required in the bill. It is anticipated that the provisions of the bill will require an increase in printing and mailing costs, resulting in a small increase in expenditures, likely less than \$1,500 per year.

**Explanation of State Revenues:** *Department of Labor Penalties:* The Department's Division of Occupational Health and Safety may assess penalties under the bill. The penalties depend upon the number of violations, the severity of the violations, the probability of injury from the violations, and the company size and history. Penalties collected by IOSHA are distributed to the General Fund and generated \$1.7 M in FY 2014. Penalties that are allowable under the bill include the following.

Willful & Repeated Violations	Max. of \$70,000 / Min. of \$5,000
Serious & Other Than Serious Violations	Max. of \$7,000
Failure to Abate	Max. of \$7,000 for each day violation remains unfixed

*Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class B misdemeanor is punishable by up to 180 days in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:** Indiana Department of Labor.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Ambat Babu, Indiana Department of Labor, [ababu@dol.in.gov](mailto:ababu@dol.in.gov); [http://www.in.gov/dol/files/IDOL\\_Report\\_on\\_Late\\_Night\\_Retail\\_Workplace\\_Violence\\_June\\_12\\_2012.pdf](http://www.in.gov/dol/files/IDOL_Report_on_Late_Night_Retail_Workplace_Violence_June_12_2012.pdf); [http://www.in.gov/dol/files/IOSHAs\\_Here\\_Presentation.pdf](http://www.in.gov/dol/files/IOSHAs_Here_Presentation.pdf)

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